

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JULY 31, 2017 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Christensen; Council Members: Camp, Lamm, Raybould, Shobe; City Clerk: Teresa Meier; Absent: Eskridge, Gaylor Baird.

Council Chair Christensen announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

SHOBE Having been appointed to read the minutes of the City Council Proceedings of July 24, 2017, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

**PUBLIC HEARING**

APPLICATION OF ISIS APARICIO DBA CIELITO MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 1601 Q STREET, SUITE D - Isis Aparicio, 1601 Q Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF RICHARD R. HODGES FOR LAKES VENTURE, LLC DBA FRESH THYME FARMERS MARKET AT 5220 O STREET - Richard Hodges, 5220 O Street, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

**\*\*Council Member Raybould left Council Chambers at 5:35 p.m.\*\***

MANAGER APPLICATION OF ROBERT G. STEIDER FOR B & R STORES, INC. DBA SUPER SAVER 4 AT 233 NORTH 48<sup>TH</sup> STREET; B & R STORES, INC. DBA SUPER SAVER 9 AT 2662 CORNHUSKER HIGHWAY; B & R STORES, INC. DBA SUPER SAVER 11 AT 5460 SOUTH 56<sup>TH</sup> STREET; B & R STORES, INC. DBA SUPER SAVER 17 AT 2525 PINE LAKE ROAD; B & R STORES, INC. DBA SUPER SAVER 27 AT 840 FALLBROOK BOULEVARD; B & R STORES, INC. DBA RUSS'S MARKET 1 AT 1709 WASHINGTON STREET; B & R STORES, INC. DBA RUSS'S MARKET 2 AT 130 NORTH 66<sup>TH</sup> STREET; B & R STORES, INC. DBA RUSS'S MARKET 14 AT 6300 HAVELOCK AVENUE; B & R STORES, INC. DBA RUSS'S MARKET 16 AT 4400 SOUTH 33<sup>RD</sup> STREET COURT; AND B & R STORES, INC. DBA RUSS'S MARKET 21 AT 1550 SOUTH CODDINGTON AVENUE - Rob Steider, 4554 W Street, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

**\*\*Council Member Raybould returned to Council Chambers at 5:38 p.m.\*\***

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1-15, 2017 - Rick Peo, City Attorney, came forward and requested that Council deny the claim of Walt Broer, stating this claim is for the use of Pioneers Park and the bridle path. This is not a claim for monetary damages and does not constitute a tort claim. Discussion followed.

Lynn Johnson, Director of Parks & Rec., came forward stating they have been having discussions with this group of riders on extending the trail system, improving maintenance on the trails and getting information out to the public and riders on dates that large events are planned in the park. Parks & Rec. is working on a detailed management plan for this area. Discussion followed.

Walt Broer, 2445 West Van Dorn, applicant, came forward on behalf of Save The Trails of Pioneers Park, stating that they have been in discussions with Parks & Rec. regarding this trail system and that the tort claim was mainly to get some attention on this item and bring it to the table. This horse trail at one time was 4 miles in length and now it is currently just over a mile, we would like our trails back and maintained. Discussion followed.

Rick Boucher, 5555 South 27<sup>th</sup> Street, attorney, came forward stating he also rides in this area and would like the trail restored to its original length with continued maintenance to the path. Discussion followed.

Linda Witfoth, 1940 West Hill Street, came forward saying she too has a horse, and is concerned with the length of the current bridle trail and the maintenance of these trails. Discussion followed.

**REGULAR MEETING  
JULY 31, 2017  
PAGE 524**

Brenda Grgurich, 5121 West Luke, came forward stating on April 26, 2017 a tree branch fell on her car breaking her windshield that had been parked in the street at the time. She feels the City is responsible for the damage to her windshield since they do not trim the trees in the area like they should. The cost of the new windshield was \$240.88. Discussion followed.

Mr. Peo stated the City is not responsible for the damage to the windshield because the City was not aware that the tree needed trimmed prior to the branch falling. Discussion followed.

This matter was taken under advisement.

**APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND HAUSMANN CONSTRUCTION TO PROVIDE CONSTRUCTION MANAGER AT RISK SERVICES – FIRE STATIONS 10, 12, 16, AND POLICE/FIRE STATION 15, PURSUANT TO RFP NO. 17-168, FOR A TERM COMMENCING UPON EXECUTION OF THE CONTRACT THROUGH SEPTEMBER 1, 2019** - Robert Walla, Purchasing Agent, came forward stating they are still working on this contract and that is why it is not available online. This contract is subject to change once finished based on the Guaranteed Maximum Price (GMP) which will be provided when the design is 60% complete. Discussion followed.

Cyndi Lamm, Council Member, expressed concerns with not having the ability to review the multi-year contract prior to the voting session. Discussion followed.

Chris Connolly, City Attorney, came forward explaining this is a delivery method for building buildings. The way this method works is a selection committee is put together to select a contractor for the project and then a contract is signed with a GMP amount listed. The contractor then works with the Architect to come up with a design. Once the design is 60% complete the contractor will then know what the cost will be to build these buildings and that is where the GMP would come in. Discussion followed.

Ms. Lamm inquired if the amount listed for this project would be exceeded by the time it comes back before Council.

Mr. Walla stated the amount listed included preconstruction and construction general condition costs. There is a set amount for the work that will be done prior to construction and the rest of the amount is the estimate for the rest of the construction. The direct costs will be used through out the process, during this multi-year contract. Discussion followed.

Jon Camp, Council Member, inquired if additional language could be added to this resolution to ensure this items comes before Council when the contract has been completed. Discussion followed.

Mr. Connolly said yes, he would amend the resolution prior to the voting session. Discussion followed.

Richard Esquivel, 733 West Cuming Street, came forward in opposition saying it does not make sense to not have a final contract at this point. Discussion followed.

This matter was taken under advisement.

**APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND CARSON+CO GLOBAL FOR COMPREHENSIVE RESIDENTIAL AND COMMERCIAL RECYCLING COMMUNICATION, EDUCATION, ENGAGEMENT AND BEHAVIOR CHANGE INITIATIVE, PURSUANT TO RFP NO. 17-116, FOR A THREE YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM** - Donna Garden, Public Works Asst. Director, came forward stating this is for the City of Lincoln Recycling Education Behavior Change Campaign, the RFP and the corresponding contract and we are asking for your approval. This is a three year contract for the residential and commercial sectors, for education and behavior changes, outreach and engagement with Carson+Co Global for \$849,609.00. Discussion followed.

Gene Hanlon, Recycling Coordinator Public Works, came forward stating the cardboard disposal ban will be starting in April and we need to educate the public. The SWMP2040 established a goal of reducing the per capita disposal rate to 1,940 pounds in 2018 per person per year. Discussion followed.

Jane Raybould, Council Member, inquired about the training and the pricing for this service.

Jamie Carson, 2124 Y Street, Flat 211, came forward on behalf of Carson+Co Global stating one component with this campaign is that it is multi-lingual and multi-cultural. We will be holding focus groups directly with these groups to start the process of learning to recycling. One of the primary goals for this campaign is to really promote new subscribers to curbside recycling. We will be doing what we can to make this a simple process for the residents. Discussion followed.

Roy Christensen, Council Chair, asked how much would be spent on advertising for this campaign.

Ms. Carson stated \$50,000.00 has been designated for advertising. Discussion followed.

Ms. Garden stated that we do have CIC with Diane Gonzolas doing some of the producing for our video and various other spots that we have. And the \$50,000.00 is just for the air time, they would be paying additional funds for the development of the material. The direct costs were more in terms of the total contract that we developed. Discussion followed.

Mr. Christensen stated that along with this contract, there would still be additional costs with City staff, and he would like to know what those additional costs will be. Discussion followed.

Ms. Garden said she would gather that information for Council.

Robert Way, 801 El Avado Ave., came forward and stated one of the strategies to get the information out is to send mail to families. Are we going to be sending mail to encourage more recycling. Discussion followed.

Richard Esquivel, 733 West Cuming Street, came forward stating there was no cost to telling people that they need to start recycling cardboard so why do we need to spend this money on advertising. Discussion followed.

Rob Roy Sahs, 6728 Starr Street, came forward in opposition stating it is too much money to be spending on behavior changes. Discussion followed.

Jesse Starita, 3005 South 19<sup>th</sup> Street, came forward stating that he has gotten to know Jamie Carson over the past few years and knows that Jamie has the experience for this project. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 10.14.260 TO PROVIDE SPECIFICALLY FOR A SCHOOL RELATED SPEED ZONE ON 84<sup>TH</sup> STREET AND REPEALING SECTION 10.14.260 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 17-94, 17R-190;

A RESOLUTION IN SUPPORT OF A SCHOOL RELATED SPEED ZONE ON 84<sup>TH</sup> STREET AND THE APPROPRIATION OF \$150,000 FROM MISCELLANEOUS BUDGET/CONTINGENCY TO SAFETY AND OPERATION IMPROVEMENT PROGRAM TO FUND THE CREATION AND INSTALLATION. (RELATED ITEMS: 17-94, 17R-190) (ACTION DATE: 8/7/17) - Travis Langemeier, 8801 Colby Street, came forward in favor of the proposed school zone and related speed zone for this area. Stating that it is not safe for the children in this area to cross 84<sup>th</sup> Street with the current speed of traffic. Discussion followed.

Cyndi Lamm, Council Member, asked if Mr. Langemeier felt it was safe for his children to cross 84<sup>th</sup> Street.

Mr. Langemeier said no he did not feel 84<sup>th</sup> Street is safe for any child to cross, there are 195 students that go to Kahoa Elementary School that live on the east side of 84<sup>th</sup> Street. Discussion followed.

Ann Langemeier, 8801 Colby Street, came forward in favor saying it is not safe for the children to cross 84<sup>th</sup> Street. Studies have shown that lower speeds do reduce chances of pedestrian accidents and the severity of injuries. Discussion followed.

Kathy Danek, 4261 Knox Street, came forward in favor saying Lincoln needs to slow traffic down in this area. Neighborhoods are growing on both sides of arterial roads and we need to respond to the needs of the families as they walk back and forth around our community. Discussion followed.

Matt Schulte, 8501 Pinehill Lane, came forward in favor of these changes saying in this area children need a safe passageway to get to school. Discussion followed.

Mandy Morre, 8810 Eagleton Lane, came forward in favor. Discussion followed.

Dr. Bob Rauner, 5100 Valley Road, President of Partnership of Healthy Lincoln, came forward on behalf of the medical community, in favor of these changes saying it is about the health and safety of our children. Discussion followed.

Amy Kozak, 2901 N. 72<sup>nd</sup> Street, came forward in favor saying 84<sup>th</sup> and Leighton is an intersection with heavy traffic that also has an open stretch of road that invites drivers to speed. Discussion followed.

Kent Seacrest, 2309 Lake Street, came forward as a concerned citizen in favor of these changes stating the Comprehensive Plan has several references for the need of walkability. Discussion followed.

Lori Anderson, 6930 Chandon Drive, came forward in favor saying we need to be more active for our health and we need a safe area to walk or run. Discussion followed.

Cathy Martinez, 9314 Garland Street, came forward in favor saying this area has changed drastically and is now considered a residential area. City traffic use standards are just suggested guidelines for areas to follow and those standards can be changed as needed. Discussion followed.

Nolan Langemeier and Jady Langemeier, 8801 Colby Street, came forward in approval of the school zone saying that then they could ride their bikes to school and it would be safer for them. Discussion followed.

Dana Meves, 8970 Prairie Village Drive, came forward in favor of the school zone to make this road safer for the children to get to school. At times, when there is road construction on surrounding streets, they send detours our way and that has also increased the amount of traffic on 84<sup>th</sup> Street. Discussion followed.

Brad Beam, 3710 Woods Ave., came forward in favor saying this impacts more than just the 195 school kids that live on the east side of the 84<sup>th</sup> Street. 84<sup>th</sup> Street being so busy now impacts everyone that lives in the area on both sides that are wanting to cross to the other side. Discussion followed.

Wendy Pieper, 7550 Colby Street, came forward in favor saying the amount of parents driving their children to school has increased because of safety concerns over 84<sup>th</sup> Street. With the increase of drivers, it has just added to the congestion around Kahoa School and is affecting the safety of all children at Kahoa not just the children on the east side of 84<sup>th</sup> Street. Discussion followed.

Miki Esposito, Director Public Works, came forward in opposition to installing the school zone stating the order to install does not comply with State Law. Traffic Engineers are expected to make decisions and perform their duties based on careful analysis and study of facts. The facts have determined that the installation of this school zone in this area is unsafe. Discussion followed.

Cyndi Lamm, Council Member, inquired why they do not comply with State Law (MUTCD).

Rick Peo, City Attorney, came forward and stated that it does not matter if we follow the conditions of MUTCD or not. The City would be protected either way from any liability of putting in the school zone. But the question would be are we fulfilling the purposes of the Nebraska Rules of the Road for Operating Motor Vehicles. This is a standard that comes down from the Federal Government. The State adopts one in accordance with federal standards, and we adopt in accordance with the States standards. All of these principles are based on engineering studies or based on engineering judgement. Discussion followed.

Lonnie Burkland, Public Works Senior Engineer, came forward in opposition stating there are several things to consider in school speed zones, they are meant promote pedestrian safety and create additional reaction time. The ideal school speed zone is in an area that we want to slow the traffic down 10 to 15 MPH under the regular posted speed, that also has a lot of open access management along with block

**REGULAR MEETING  
JULY 31, 2017  
PAGE 526**

by block intersections. The goal in slowing traffic down is to keep the driver aware of potential unexpected crossing activity. The proper application for this would be before and after school. This would be done at a cross walk predominately used by school students, crossing that is not used much by students at other times of the day when there is no school or pedestrians when the flashers are not operating because the function of a school zone is to slow the traffic in a specific area for students before and after school. When we set speed limits in Lincoln they are data driven and based on the 85<sup>th</sup> % speed. That is the speed that 85% of the traffic is at or below when traveling in free flow conditions. Discussion followed.

This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE THIRD QUARTER, FISCAL YEAR, 2016-2017 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90601 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:  
That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON JUNE 30, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

LINCOLN AIRPORT AUTHORITY RESOLUTION NO. 2017-623 STATING THAT NO TAX LEVY SHOULD BE MADE FOR AIRPORT PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2017. THIS BEING THE 31ST CONSECUTIVE YEAR NO LEVY IS REQUIRED FOR THE COMING YEAR - CLERK presented said report which was placed on file in the Office of the City Clerk. **(54-2)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JULY 17, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

### **PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, AUGUST 14, 2017 AT 3:00 P.M. ON THE APPLICATION OF MURPHY OIL USA INC. DBA MURPHY EXPRESS #8781 FOR A CLASS D LIQUOR LICENSE AT 3301 N 85<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90602 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 14, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Murphy Oil USA Inc. dba Murphy Express #8781 for a Class D Liquor License at 3301 N 85<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

### **REFERRED TO THE PLANNING DEPARTMENT:**

Change of Zone No. 17017 – Requested by Alpha Epsilon Association of Theta Xi, for a new Historic Landmark District overlay zone, on property generally located at 1535 R Street.

Special Permit No. 06022A – Requested by Jim Graham, to amend Special Permit 06022 to allow two freestanding signs on South 14th Street with one sign located at each entrance, on property generally located at 10901 South 14th Street.

Special Permit No. 17026 – Requested by Scott Otley & Ruth Thompson, for an AG (Agricultural District) Community Unit Plan for 10 lots on approximately 153.24 acres, more or less, with a partial waiver of the detention requirements for a drainage basin, on property generally located at North 134th Street and Adams Street.

Text Amendment No. 17011 – Requested by Jim Graham, amending Title 27 of the Lincoln Municipal Code (“Zoning Ordinance”) by amending Section 27.63.110 allowing the City Council to increase the number of freestanding signs per frontage for garden centers in the AG zoning district when two or more tenants operate within the boundary of the special permit and the tenants have separate entrances along the same frontage; and repealing Section 27.63.110 of the Lincoln Municipal Code as hitherto existing.

### LIQUOR RESOLUTIONS

APPLICATION OF ISIS APARICIO DBA CIELITO MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 1601 Q STREET, SUITE D - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90603 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Isis Aparicio dba Cielito Mexican Restaurant for a Class “I” liquor license at 1601 Q Street, Suite D, Lincoln, Nebraska, for the license period ending April 30, 2018, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
  2. The premises must comply in every respect with all city and state regulations.
- The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

MANAGER APPLICATION OF RICHARD R. HODGES FOR LAKES VENTURE, LLC DBA FRESH THYME FARMERS MARKET AT 5220 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90604 WHEREAS, Lakes Venture, LLC dba Fresh Thyme Farmers Market located at 5220 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Richard R. Hodges be named manager;  
WHEREAS, Richard R. Hodges appears to be a fit and proper person to manage said business.  
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Richard R. Hodges be approved as manager of this business for said licensee.  
The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

MANAGER APPLICATION OF ROBERT G. STEIDER FOR B & R STORES, INC. DBA SUPER SAVER 4 AT 233 NORTH 48<sup>TH</sup> STREET; B & R STORES, INC. DBA SUPER SAVER 9 AT 2662 CORNHUSKER HIGHWAY; B & R STORES, INC. DBA SUPER SAVER 11 AT 5460 SOUTH 56<sup>TH</sup> STREET; B & R STORES, INC. DBA SUPER SAVER 17 AT 2525 PINE LAKE ROAD; B & R STORES, INC. DBA SUPER SAVER 27 AT 840 FALLBROOK BOULEVARD; B & R STORES, INC. DBA RUSS’S MARKET 1 AT 1709 WASHINGTON STREET; B & R STORES, INC. DBA RUSS’S MARKET 2 AT 130 NORTH 66<sup>TH</sup> STREET; B & R STORES, INC. DBA RUSS’S MARKET 14 AT 6300 HAVELOCK AVENUE; B & R STORES, INC. DBA RUSS’S MARKET 16 AT 4400 SOUTH 33<sup>RD</sup> STREET COURT; AND B & R STORES, INC. DBA RUSS’S MARKET 21 AT 1550 SOUTH CODDINGTON AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90605 WHEREAS, B & R Stores, Inc. dba Super Saver 4 located at 233 North 48<sup>th</sup> Street; B & R Stores, Inc. dba Super Saver 9 located at 2662 Cornhusker Highway; B & R Stores, Inc. dba Super Saver 11 located at 5460 South 56<sup>th</sup> Street; B & R Stores, Inc. dba Super Saver 17 located at 2525 Pine Lake Road; B & R Stores, Inc. dba Super Saver 27 located at 840 Fallbrook Boulevard; B & R Stores, Inc. dba Russ’s Market 1 located at 1709 Washington Street; B & R Stores, Inc. dba Russ’s Market 2 located at 130 North 66<sup>th</sup> Street; B & R Stores, Inc. dba Russ’s Market 14 located at 6300 Havelock Avenue; B & R Stores, Inc. dba Russ’s Market 16 located 4400 South 33<sup>rd</sup> Street Court; and B & R Stores, Inc. dba Russ’s Market 21 located at 1550 South Coddington Avenue, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Robert G. Steider be named manager;

WHEREAS, Robert G. Steider appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Robert G. Steider be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Lamm, Shobe;  
NAYS: None; ABSTAINED: Raybould; ABSENT: Eskridge, Gaylor Baird.

**PUBLIC HEARING - RESOLUTIONS**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING  
DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1-15, 2017 - PRIOR to reading:

RAYBOULD Moved to amend Bill No. 17R-189 as follows:

To remove Walt C. Broer/JB Equestrian Academy from the DENIED CLAIMS.

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould,  
Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

CLERK Read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90606 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated July 17, 2017, of  
various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or  
the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required  
by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney,  
as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>
Brenda Grgurich \$240.88	Haitham Ibrahim & Huda Alaaraji \$1,033.29
<del>Walt C. Broer/JB Equestrian Academy</del> NAS*	
Malika Yadgarova 399.21	
Charlie R. Johnson & Labor Max & Gallagher Bassett NAS*	

\* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this  
resolution which shows the final disposition of their claim.

Introduced by Bennie Shobe

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Lamm,  
Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND HAUSMANN  
CONSTRUCTION TO PROVIDE CONSTRUCTION MANAGER AT RISK SERVICES – FIRE  
STATIONS 10, 12, 16, AND POLICE/FIRE STATION 15, PURSUANT TO RFP NO. 17-168, FOR A  
TERM COMMENCING UPON EXECUTION OF THE CONTRACT THROUGH SEPTEMBER 1, 2019  
- PRIOR to reading:

RAYBOULD Moved to amend Bill No. 17R-191 as follows:

On line 7 after the word Mayor add “, provided; the Guaranteed Maximum Price Amendment shall  
be submitted to the City Council for approval.”

Seconded by Shobe & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould,  
Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

CLERK Read the following resolution, introduced by Bennie Shobe, who moved its adoption:

A-90607 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

The selection of Hausmann Construction to provide Construction Manager at Risk Services for  
construction of Fire Stations 10, 12, 16, and Police/Fire Station 15, pursuant to RFP No. 17-168, is hereby  
approved. The Mayor is authorized to execute a multi-year contract with Hausmann Construction that will  
commence upon execution and run through September 1, 2019. The contract shall be in accordance with  
terms and conditions as shall be approved by the Mayor: , provided; the Guaranteed Maximum Price  
Amendment shall be submitted to the City Council for approval.”

Introduced by Bennie Shobe

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Lamm,  
Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND CARSON+CO GLOBAL FOR  
COMPREHENSIVE RESIDENTIAL AND COMMERCIAL RECYCLING COMMUNICATION,  
EDUCATION, ENGAGEMENT AND BEHAVIOR CHANGE INITIATIVE, PURSUANT TO RFP NO.  
17-116, FOR A THREE YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL  
THREE YEAR TERM - PRIOR to reading:

RAYBOULD Moved to delay Action with continued Public Hearing on Bill No. 17R-192 two weeks to 8/14/17.

Seconded by Shobe & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould,  
Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

**PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS**

AMENDING SECTION 10.14.260 TO PROVIDE SPECIFICALLY FOR A SCHOOL RELATED SPEED ZONE ON 84<sup>TH</sup> STREET AND REPEALING SECTION 10.14.260 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 17-94, 17R-190) - CLERK read an ordinance, introduced by Cyndi Lamm, amending Section 10.14.260 of the Lincoln Municipal Code to provide specifically for a school related speed zone on 84<sup>th</sup> Street and Repealing Section 10.14.260 of the Lincoln Municipal Code as hitherto existing, the second time.

A RESOLUTION IN SUPPORT OF A SCHOOL RELATED SPEED ZONE ON 84<sup>TH</sup> STREET AND THE APPROPRIATION OF \$150,000 FROM MISCELLANEOUS BUDGET/CONTINGENCY TO SAFETY AND OPERATION IMPROVEMENT PROGRAM TO FUND THE CREATION AND INSTALLATION. (RELATED ITEMS: 17-94, 17R-190) (ACTION DATE: 8/7/17)

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS**

STREET NAME CHANGE 17002 – RENAMING SIEVERS LANE, LOCATED WEST OF SOUTH 26<sup>TH</sup> STREET AND SOUTH OF ROKEBY ROAD, AS SIEVERS PLACE - CLERK read an ordinance, introduced by Jane Raybould, changing the name of Sievers Lane, located west of South 26<sup>th</sup> Street and south of Rokeby Road, to Sievers Place as recommended by the Street Name Committee, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Shobe & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

The ordinance, being numbered #20516, is recorded in Ordinance Book 33.

CHANGE OF ZONE 17014 – APPLICATION OF WAYNE AND LAURA PESTER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 25<sup>TH</sup> STREET AND WEST DENTON ROAD - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

The ordinance, being numbered #20517, is recorded in Ordinance Book 33.

CHANGE OF ZONE 17011 – APPLICATION OF ROGER H. SCHWISOW REVOCABLE TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 49<sup>TH</sup> STREET AND ALVO ROAD - PRIOR to reading:

LAMM Moved to delay Action with Public Hearing on Bill No. 17-92 three weeks to 8/21/17.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

CLERK Read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

REPEALING ORDINANCE NO. 20029 LEVYING AN OCCUPATION TAX UPON THE BUSINESSES AND USERS OF SPACE WITHIN THE WEST HAYMARKET SPORTS PARK ENHANCED EMPLOYMENT AREA, AND REPEALING ORDINANCE NO. 20030 AUTHORIZING THE ISSUANCE OF A TIF TAX ALLOCATION BOND AND OCCUPATION TAX REVENUE BOND TO FUND CERTAIN IMPROVEMENTS WITHIN THE WEST HAYMARKET SPORTS PARK REDEVELOPMENT PROJECT AREA - CLERK read an ordinance, introduced by Jane Raybould, to repeal Ordinance No. 20029 and Ordinance No. 20030, both adopted on June 9, 2014. Ordinance No. 20029 provided for the levy of a retail occupation tax on every person operating a retail business within the "Enhanced Employment Area" within the West Haymarket Sports Park Redevelopment Project, for the purpose of paying all or any part of the cost and expenses of certain improvements needed to carry out the Redevelopment Project. Ordinance No. 20030 authorized the issuance of the Tax Allocation Bond Series 2014A in the aggregate principal amount not to exceed \$2,116,463 and the Occupation Tax Revenue Bond Series 2014B in the aggregate principal amount not to exceed \$1,188,899. Both Bonds were to be sold for the purpose of obtaining funds to pay the costs of certain improvements within the Sports Park Redevelopment Project Area pursuant to the Great American Sports Park Redevelopment Agreement

**REGULAR MEETING  
JULY 31, 2017  
PAGE 530**

between the City of Lincoln, Great American Sports Park LLC, and Oak Lake Development LLC. The Tax Allocation Bond was to be repaid from TIF Tax Revenues and the Occupation Tax Revenue Bond was to be repaid from the Occupation Tax Revenues. The Ordinances were Project specific and should be repealed as the Project has been terminated and therefore the tax and issuance of the Bonds are no longer necessary, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

The ordinance, being numbered #20518, is recorded in Ordinance Book 33.

**RESOLUTIONS - 1<sup>ST</sup> READING**

APPOINTING RHONDA SEACREST TO THE LINCOLN CITY LIBRARY BOARD FOR A TERM EXPIRING AUGUST 31, 2024.

APPROVING A GRANT CONTRACT BETWEEN THE COUNTY OF LANCASTER, NEBRASKA AND THE CITY OF LINCOLN FOR THE EXPENDITURE OF LANCASTER COUNTY VISITOR IMPROVEMENT GRANT FUNDS FOR RENOVATION OF AND IMPROVEMENTS TO THE INFRASTRUCTURE SERVING PINWOOD BOWL IN PIONEERS PARK IN THE TOTAL AMOUNT OF \$1,795,000 OVER A FOUR YEAR PERIOD FROM JUNE 1, 2017 THROUGH MAY 31, 2021.

APPROVING THE APPOINTMENT OF SHAVONNA M. LAUSTERER AS THE HEALTH DIRECTOR EFFECTIVE SEPTEMBER 5, 2017.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES (PAGE) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2018.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION (LMCEA) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2018.

ORDERING RE-PAVING DISTRICT #159 IN SAUNDERS AVENUE FROM 12<sup>TH</sup> STREET TO 14<sup>TH</sup> STREET TO BE CONSTRUCTED AND THE COST THEREOF ASSESSED AGAINST THE BENEFITTED PROPERTIES.

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)**

COMP. PLAN CONFORMANCE 17011 – DECLARING APPROXIMATELY 1,875 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 2143 O STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 1,875 square feet of City owned property generally located at 2143 O Street as surplus, the first time.

ANNEXATION 17008 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 23.94 ACRES OF PROPERTY GENERALLY LOCATED AT NORTHWEST 12<sup>TH</sup> STREET AND HIGHWAY 34. (RELATED ITEMS: 17-95, 17-96) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 17018 – APPLICATION OF STAROSTKA-LEWIS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTHWEST 12<sup>TH</sup> STREET AND HIGHWAY 34. (RELATED ITEMS: 17-95, 17-96) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ANNEXATION 17009 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 20.47 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 70<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17-97, 17-98) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.



CHANGE OF ZONE 17019 – APPLICATION OF ROKEBY HOLDINGS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 70<sup>TH</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17-97, 17-98) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by 2 reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

**OPEN MICROPHONE - NONE**

**ADJOURNMENT**

**9:10 P.M.**

CAMP Moved to adjourn the City Council Meeting of July 31, 2017.  
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Lamm, Raybould, Shobe; NAYS: None; ABSENT: Eskridge, Gaylor Baird.

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Teresa J. Meier, City Clerk

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Rhonda M. Bice, Office Specialist

**REGULAR MEETING  
JULY 31, 2017  
PAGE 532**